

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONIQUE RUSSELL, et al.,

Plaintiffs,

v.

**EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,**

Defendant.

Case No. 2:18-cv-05629-JDW

ORDER

AND NOW, 27th day of April, 2020, upon review of the Parties' letter and proposed Case Management Order (ECF No. 66), and it appearing that the Parties' proposed schedule resolves any questions raised by Defendant's Motion to Stay (ECF No. 60), it is **ORDERED** that Defendant's Motion to Stay is **DENIED AS MOOT**.

It is **FURTHER ORDERED** that, during the pendency of Defendant's Rule 23(f) Petition for Permission to Appeal in the Third Circuit, Plaintiffs may issue subpoenas for patient names and addresses to health care institutions where John Nosa Akoda may have encountered patients after he enrolled in a postgraduate medical education program at Howard University in 2007. Plaintiffs shall comply with the advance notice requirements of Fed. R. Civ. P. 45 before issuing any subpoena. The Parties may also bring to the Court's attention any outstanding discovery issues that they cannot resolve themselves.

It is **FURTHER ORDERED** that the Parties shall submit to the Court a proposed case management order for any subsequent proceedings in this case no more than 14 days after the Court of Appeals denies the Petition for Leave to Appeal or issues a mandate after granting the

Petition. Any such schedule shall include deadlines for notice and an opt-out period (if appropriate) and for dispositive motions.

It is **FURTHER ORDERED** that the telephonic status conference scheduled for April 30, 2020, is **CANCELLED**.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.